

CITY OF ENNIS COMMISSION REGULAR MEETING

JUNE 3, 2013

7:00 P.M.

Mayor Thomas called the meeting to order at 7:00 p.m. on, June 3, 2013, in the City Commission Chambers of the City of Ennis Municipal Building, 115 W. Brown Street, Ennis, Texas 75119.

PRESENT: Mayor Thomas, Commissioners Frazier, Haupt, Walker, Searcy, and Holley, City Manager Howerton, City Attorney Wilson and Chief Erisman.

Commissioner Salik was not in attendance.

INVOCATION: Commissioner Walker

PLEDGE OF ALLEGIANCE was led by Mayor Thomas.

ROLL CALL to determine the presence of a quorum: The City Manager called the roll and determined that a quorum was present.

MINUTES of the May 20, 2013, workshop were approved as presented on a motion by Commissioner Searcy, seconded by Commissioner Haupt with all members present voting AYE. Minutes of the Special Meeting of May 20, 2013 were approved as presented on a motion by Commissioner Searcy and seconded by Commissioner Walker with all members present voting AYE. Minutes of the May 20, 2013, regular meeting were approved as presented on a motion by Commissioner Haupt and seconded by Commissioner Searcy with all members present voting AYE.

SECOND READINGS OF ORDINANCES

SECOND READING OF ORDINANCE 13-05-03 APPROVING AND ADOPTING RATE SCHEDULE "RRM-RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION, TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL, DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL, caption of which is as follows:

ORDINANCE NO. 13-05-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS, (“CITY”) APPROVING AND ADOPTING RATE SCHEDULE “RRM” – RATE REVIEW MECHANISM” FOR ATMOS ENERGY – CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY ACSC LEGAL COUNSEL.

City Manager Howerton stated there had been no changes since the first reading. Commissioner Searcy moved to adopt Ordinance No. 13-05-03 on second reading, Commissioner Walker seconded the motion. All members in attendance voted AYE. Motion carried. PASSED, APPROVED, AND ADOPTED on first reading, May 20, 2013 and second reading, June 3, 2013.

SECOND READING OF ORDINANCE 13-05-04 AMENDING THE ZONING ORDINANCE OF THE CITY OF ENNIS FROM “T” (TRANSITION DISTRICT) TO “C-PD” (COMMERCIAL-PLANNED DEVELOPMENT DISTRICT) FOR APPROXIMATELY 10.35 ACRES OF THE JOSEPH A. LANE SURVEY, ABSTRACT NUMBER 656, AND THE J.F. CRAWFORD SURVEY, ABSTRACT NUMBER 250, LOCATED IN THE 2400 BLOCK OF EAST ENNIS AVENUE, ENNIS, ELLIS COUNTY, TEXAS. P & Z CASE #13.04.02, caption of which follows:

ORDINANCE NO. 13-05-04

AN ORDINANCE OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A CLASSIFICATION; TO RECLASSIFY APPROXIMATELY 10.35 ACRES OF THE JOSEPH A. LANE SURVEY, ABSTRACT NUMBER 656, AND THE J.F. CRAWFORD SURVEY ABSTRACT NUMBER 250 LOCATED IN THE 2400 BLOCK OF EAST ENNIS AVENUE, ENNIS, ELLIS COUNTY, TEXAS. FROM “T” TRANSITION DISTRICT TO “C-PD” (COMMERCIAL-PLANNED DEVELOPMENT DISTRICT) AND DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILTY CLAUSE, AND AN EFFECTIVE DATE.

City Staff stated that there had been no changes since the first reading. Commissioner Haupt moved to adopt Ordinance No. 13-05-04 under second reading, Commissioner Frazier seconded the motion. All members in attendance voted AYE. PASSED, APPROVED, AND ADOPTED on first reading, May 20, 2013 and second reading June 3, 2013.

SECOND READING OF ORDINANCE 13-05-05 AMENDING THE ZONING ORDINANCE OF THE CITY OF ENNIS FROM “IN-PD” (INSTITUTIONAL DISTRICT-PLANNED

DEVELOPMENT) TO “HC-PF” (HEAVY COMMERCIAL-PLANNED DEVELOPMENT DISTRICT) WITH A SPECIFIC USE PERMIT FOR TRACT 109, JOHN DOUTHET SURVEY NUMBER 305, LOCATED AT 803 WEST LAMPASAS STREET, ENNIS, ELLIS COUNTY, TEXAS, caption of which follows:

ORDINANCE NO. 13-05-05

AN ORDINANCE OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY A CLASSIFICATION; TO RECLASSIFY WITH A SPECIFIC USE PERMIT FOR TRACT 109, JOHN DOUTHET SURVEY NUMBER 305, LOCATED AT 803 WEST LAMPASAS STREET, ENNIS, ELLIS COUNTY, TEXAS. FROM “IN-PD” (INSTITUTIONAL DISTRICT-PLANNED DEVELOPMENT) TO “HC-PD” (HEAVY COMMERCIAL-PLANNED DEVELOPMENT DISTRICT) WITH SPECIFIC USE PERMIT AND DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY, AND PROVIDING A SAVING CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE.

Commissioner Searcy moved to adopt Ordinance No. 13-05-05 on second reading with Conditions and Limitations stated in correspondence from Texas Compliance Solutions dated March 13, 2013, attached hereto as a Specific Use Permit and Commissioner Haupt seconded the motion. All members in attendance voted AYE. PASSED, APPROVED, AND ADOPTED on the first reading, May 20, 2013 and the second reading, June 3, 2013.

NEW BUSINESS

EXTENSION OF THE SOLID WASTE COLLECTION, RECYCLING, HAULING AND DISPOSAL AGREEMENT BETWEEN THE CITY OF ENNIS, TEXAS AND ALLIED WASTE. City Staff recommended that the agreement be extended under the terms and conditions of the present amendment to the contract for a period up to three years and during that period of time the City would negotiate further with Allied Waste hopefully to come to an agreement on the second amendment that has been offered to the contract. Commissioner Frazier moved to approve up to a three year extension of the current contract and negotiations under the second amendment for solid waste collection, recycling, hauling and disposal agreement between the City of Ennis and Allied Waste. Commissioner Haupt seconded and all members present voted AYE.

CHARGE-OFF OF DELINQUENT UTILITY AND AMBULANCE ACCOUNTS FOR THE PURPOSE OF COLLECTION BY THE OFFICE OF THE CITY ATTORNEY. The Commission approved the charge-off of delinquent utility accounts in the amount of \$8,186.79 for the purpose of collection by the Office of the City Attorney on a motion by Commissioner Searcy and seconded by Commissioner Frazier. All members in attendance voted AYE.

RECOVERY EFFORTS RELATING TO THE MAY 16, 2013 ENNIS TORNADO. City Manager requested that the City Commission authorize staff to negotiate a contract to grind the wood debris that has been accumulated (approximately eight thousand cubic yards to date - the number may go up slightly over the next several days) and have it reduced to chip form to have it available for citizens use at a later date. Commissioner Haupt move to authorize city staff to negotiate the contract. Motion seconded by Commissioner Frazier with all members in attendance voting AYE.

OLD BUSINESS

APPOINTMENTS TO CITY OF ENNIS BOARDS AND COMMISSIONS: No action was taken.

REQUEST FROM CITY COMMISSION AND ROUNDTABLE: Commissioner Frazier asked Chief Erisman what needs to be done to keep a person from walking on private property. Chief Erisman stated that a trespassers warning can be issued by the police. Commissioner Searcy commended the City Manager and Staff regarding the traffic and everything that has been done since the tornado.

With no further business, Mayor Thomas adjourned the meeting at 7:11 p.m.

Russell R. Thomas, Mayor

ATTEST:

Donna Batchler, City Secretary

